

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Steven Wells,)	
)	Case No 08 C 598
Plaintiff,)	
)	Judge Shadur
v.)	
)	Magistrate Judge Mason
City of Chicago, Illinois, Chicago Police Officer))	
Lionel Piper, Star No. 14650, Chicago Police)	
Officer West, Star No. 8589, and Chicago)	
Police Officer Brown, Star No, 19615,)	
)	
Defendants.)	

DEFENDANTS' MOTION
FOR ENTRY OF ORDER

Defendants, Chicago Police Officers Piper, West and Brown ("Defendant Officers"), by and through one of their attorneys, Matthew R. Hader, Assistant Corporation Counsel for the City of Chicago, respectfully request this Honorable Court to Order the Cook County State's Attorney's Office to release physical evidence for preservation by the Chicago Police Department. In support of this motion, Defendants state as follows:

- 1) Plaintiff has brought this civil action alleging violations of certain rights after being arrested on January 27, 2006.
- 2) The criminal charges against the plaintiff included two counts alleging violations of 720 ILCS 5.0/24-1.1(a) which prohibits the possession of weapons by felons.
- 3) Two weapons that were confiscated from plaintiff were inventoried under the following inventory numbers: 10684179 and 10684197.
- 4) During the course of prosecuting the plaintiff for his criminal violations, these firearms were transferred to the Cook County State's Attorney's Office for use in those

proceedings.

5) Although plaintiff's criminal proceedings have terminated the Cook County State's Attorney's Office continues to possess these firearms which are now evidence in the instant civil action.

6) The Cook County State's Attorney's Office no longer wishes to maintain these items and pursuant to their policy will seek to have them destroyed.

7) Defendants now seek an order from this court requiring the firearms to be released to a member of the Chicago Police Department and transferred to the Evidence and Recovered Property Section (E.R.P.S.) of the Chicago Police Department where they are to be preserved until the final disposition of this civil action.

8) Defendants' proposed order has been submitted pursuant to Judge Shadur's standing orders to the following email address: Proposed_Order_Shadur@ilnd.uscourts.gov. The proposed order has also been attached to this motion as Exhibit A.

WHEREFORE, Defendant Officers respectfully request that this Honorable Court enter the Order attached hereto.

Respectfully submitted,

s/ Matthew R. Hader
Matthew R. Hader
Assistant Corporation Counsel

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CERTIFICATE OF SERVICE

I, Matthew R. Hader, hereby certify that I have caused a true and correct copy of the above and foregoing **NOTICE OF FILING** and **DEFENDANTS' MOTION FOR ENTRY OF ORDER** to be sent via e-filing to the person named in the foregoing Notice, a "Filing User" pursuant to Case Management/Electronic Case Files, on March 31, 2008, in accordance with the rules governing the electronic filing of documents.

s/ Matthew R. Hader
MATTHEW R. HADER
Assistant Corporation Counsel